



General Assembly

February Session, 2008

Raised Bill No. 5702

LCO No. 2100

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Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING THE USE OF ASTHMATIC INHALERS BY STUDENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) A respiratory care
2 practitioner licensed under chapter 381a of the general statutes may
3 issue a written certification to a local or regional board of education
4 providing that a child, who has been diagnosed with asthma and who
5 is under the care of a licensed respiratory care practitioner, be
6 permitted to possess an asthmatic inhaler at all times while attending
7 school to ensure prompt treatment of the child's asthma and protect
8 the child against serious harm or death.

9 Sec. 2. Subsection (b) of section 10-206 of the 2008 supplement to the
10 general statutes is repealed and the following is substituted in lieu
11 thereof (*Effective October 1, 2008*):

12 (b) Each local or regional board of education shall require each child
13 to have a health assessment prior to public school enrollment. The
14 assessment shall include: (1) A physical examination which shall
15 include hematocrit or hemoglobin tests, height, weight, blood

16 pressure, and, beginning with the 2003-2004 school year, a chronic
17 disease assessment which shall include, but not be limited to, asthma
18 as defined by the Commissioner of Public Health pursuant to
19 subsection (c) of section 19a-62a. The assessment form shall include (A)
20 a check box for the provider conducting the assessment, as provided in
21 subsection (a) of this section, to indicate an asthma diagnosis and
22 whether the provider has been furnished with any written certification
23 concerning the use of an asthmatic inhaler by a child from a licensed
24 respiratory care practitioner in accordance with the provisions of
25 section 1 of this act, (B) screening questions relating to appropriate
26 public health concerns to be answered by the parent or guardian, and
27 (C) screening questions to be answered by such provider; (2) an
28 updating of immunizations as required under section 10-204a,
29 provided a registered nurse may only update said immunizations
30 pursuant to a written order by a physician or physician assistant,
31 licensed pursuant to chapter 370, or an advanced practice registered
32 nurse, licensed pursuant to chapter 378; (3) vision, hearing, speech and
33 gross dental screenings; and (4) such other information, including
34 health and developmental history, as the physician feels is necessary
35 and appropriate. The assessment shall also include tests for
36 tuberculosis, sickle cell anemia or Cooley's anemia and tests for lead
37 levels in the blood where the local or regional board of education
38 determines after consultation with the school medical advisor and the
39 local health department, or in the case of a regional board of education,
40 each local health department, that such tests are necessary, provided a
41 registered nurse may only perform said tests pursuant to the written
42 order of a physician or physician assistant, licensed pursuant to
43 chapter 370, or an advanced practice registered nurse, licensed
44 pursuant to chapter 378.

45 Sec. 3. Section 10-212a of the 2008 supplement to the general statutes
46 is repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2008*):

48 (a) (1) A school nurse or, in the absence of such nurse, any other

49 nurse licensed pursuant to the provisions of chapter 378, including a
50 nurse employed by, or providing services under the direction of a local
51 or regional board of education at, a school-based health clinic, who
52 shall administer medical preparations only to students enrolled in such
53 school-based health clinic in the absence of a school nurse, the
54 principal, any teacher, licensed physical or occupational therapist
55 employed by a school district, or coach of intramural and
56 interscholastic athletics of a school may administer, subject to the
57 provisions of subdivision (2) of this subsection, medicinal
58 preparations, including such controlled drugs as the Commissioner of
59 Consumer Protection may, by regulation, designate, to any student at
60 such school pursuant to the written order of a physician licensed to
61 practice medicine, or a dentist licensed to practice dental medicine in
62 this or another state, or an optometrist licensed to practice optometry
63 in this state under chapter 380, or an advanced practice registered
64 nurse licensed to prescribe in accordance with section 20-94a, or a
65 physician assistant licensed to prescribe in accordance with section 20-
66 12d, and the written authorization of a parent or guardian of such
67 child. The administration of medicinal preparations by a nurse
68 licensed pursuant to the provisions of chapter 378, a principal, teacher,
69 licensed physical or occupational therapist employed by a school
70 district, or coach shall be under the general supervision of a school
71 nurse. No such school nurse or other nurse, principal, teacher, licensed
72 physical or occupational therapist employed by a school district, coach
73 or school paraprofessional administering medication pursuant to
74 subsection (d) of this section shall be liable to such student or a parent
75 or guardian of such student for civil damages for any personal injuries
76 that result from acts or omissions of such school nurse or other nurse,
77 principal, teacher, licensed physical or occupational therapist
78 employed by a school district, coach or school paraprofessional
79 administering medication pursuant to subsection (d) of this section in
80 administering such preparations that may constitute ordinary
81 negligence. This immunity does not apply to acts or omissions
82 constituting gross, wilful or wanton negligence.

83 (2) Each local and regional board of education that allows a school
84 nurse or, in the absence of such nurse, any other nurse licensed
85 pursuant to the provisions of chapter 378, including a nurse employed
86 by, or providing services under the direction of a local or regional
87 board of education at, a school-based health clinic, who shall
88 administer medical preparations only to students enrolled in such
89 school-based health clinic in the absence of a school nurse, the
90 principal, any teacher, licensed physical or occupational therapist
91 employed by a school district, or coach of intramural and
92 interscholastic athletics of a school to administer medicine or that
93 allows a student to self-administer medicine including the use of an
94 asthmatic inhaler pursuant to subsection (c) of this section, shall adopt
95 written policies and procedures, in accordance with this section and
96 the regulations adopted pursuant to subsection (c) of this section, that
97 shall be approved by the school medical advisor or other qualified
98 licensed physician. Once so approved, such administration of
99 medication shall be in accordance with such policies and procedures.

100 (3) A director of a school readiness program as defined in section
101 10-16p of the 2008 supplement to the general statutes or a before or
102 after school program exempt from licensure by the Department of
103 Public Health pursuant to subdivision (1) of subsection (b) of section
104 19a-77 of the 2008 supplement to the general statutes, or the director's
105 designee, may administer medications to a child enrolled in such a
106 program in accordance with regulations adopted by the State Board of
107 Education in accordance with the provisions of chapter 54. No
108 individual administering medications pursuant to this subdivision
109 shall be liable to such child or a parent or guardian of such child for
110 civil damages for any personal injuries that result from acts or
111 omissions of such individual in administering such medications which
112 may constitute ordinary negligence. This immunity shall not apply to
113 acts or omissions constituting gross, wilful or wanton negligence.

114 (b) Each school wherein any controlled drug is administered under
115 the provisions of this section shall keep such records thereof as are

116 required of hospitals under the provisions of subsections (f) and (h) of
117 section 21a-254 and shall store such drug in such manner as the
118 Commissioner of Consumer Protection shall, by regulation, require.

119 (c) The State Board of Education, in consultation with the
120 Commissioner of Public Health, may adopt regulations, in accordance
121 with the provisions of chapter 54, as determined to be necessary by the
122 board to carry out the provisions of this section, including, but not
123 limited to, regulations that (1) specify conditions under which a coach
124 of intramural and interscholastic athletics may administer medicinal
125 preparations, including controlled drugs specified in the regulations
126 adopted by the commissioner, to a child participating in such
127 intramural and interscholastic athletics, (2) specify conditions and
128 procedures for the administration of medication by school personnel to
129 students, and (3) specify conditions for self-administration of
130 medication by students, including permitting a child diagnosed with
131 asthma to retain possession of an asthmatic inhaler at all times while
132 attending school for prompt treatment of the child's asthma and to
133 protect the child against serious harm or death provided such child has
134 submitted a written certification to the local or regional board of
135 education in accordance with the provisions of section 1 of this act. The
136 regulations shall require authorization pursuant to: (A) The written
137 order of a physician licensed to practice medicine, a dentist licensed to
138 practice dental medicine in this or another state, an advanced practice
139 registered nurse licensed under chapter 378, a physician assistant
140 licensed under chapter 370, a podiatrist licensed under chapter 375 or
141 an optometrist licensed under chapter 380; and (B) the written
142 authorization of a parent or guardian of such child.

143 (d) (1) With the written authorization of a student's parents, and (2)
144 pursuant to the written order of the student's (A) physician licensed to
145 practice medicine, (B) an optometrist licensed to practice optometry
146 under chapter 380, (C) an advanced practice registered nurse licensed
147 to prescribe in accordance with section 20-94a, or (D) a physician
148 assistant licensed to prescribe in accordance with section 20-12d, a

149 school nurse and a school medical advisor may jointly approve and
150 provide general supervision to an identified school paraprofessional to
151 administer medication, including, but not limited to, medication
152 administered with a cartridge injector, to a specific student with a
153 medically diagnosed allergic condition that may require prompt
154 treatment in order to protect the student against serious harm or death.
155 For purposes of this subsection, "cartridge injector" means an
156 automatic prefilled cartridge injector or similar automatic injectable
157 equipment used to deliver epinephrine in a standard dose for
158 emergency first aid response to allergic reactions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	10-206(b)
Sec. 3	<i>October 1, 2008</i>	10-212a

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Sec. 2	<i>October 1, 2008</i>	10-206(b)
Sec. 3	<i>October 1, 2008</i>	10-212a

Statement of Purpose:

To permit a child diagnosed with asthma to retain possession of an asthmatic inhaler at all times while attending school for prompt treatment of the child's asthma and to protect the child against serious harm or death, provided such child has provided a written certification from a licensed respiratory therapist to a local or regional board of education.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]